



NEW HAMPSHIRE BUILDING OFFICIALS ASSOCIATION

Established in 1965

ICC Chapter

May 14, 2004

New Hampshire Building Code Review Board
C/o Department of Safety
32 Hazen Drive
Concord, NH 03305

RE: State Plumbing Code and Building Code Amendments

Dear Mr. Chairman and Members of the Board,


It has come to my attention that there has been a change to the 2003 IPC, which does not require separate bathroom facilities in mercantile occupancies unless the occupant load exceeds 50. Currently, in the 2000 edition of the IPC, the requirement for separate facilities kicks in when the occupant load exceeds 15. Therefore, a mercantile space of as little as 450 square feet would require two accessible bathrooms.

This code requirement seems excessive and apparently stimulated a change in the 2003 IPC. I would like your support in making this amendment to the State Plumbing Code, so we can deal with this issue in a more reasonable manner.

The other change I would like to discuss is increasing the occupant load from 15 to 25 in assembly occupancies to be consistent with the NH Rules for the Sanitary Production and Distribution of Food, Part He-P 2314, (c). This has not been changed in the 2003 IPC, IBC.

Thank you for your consideration of this matter.

Sincerely,


Michael Santa, CBO
President, NHBOA
(603)- 589-3083

International Plumbing Code - Section 403.2
International Building Code - Section 2902.2

Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for private facilities.
2. Separate employee facilities shall not be required in occupancies in which 15 or less people are employed.
3. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both the employees and customers, of 15 or less.
4. *Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 50 or less.*
5. *Separate facilities shall not be required in assembly occupancies that serve food with a total occupant load, including both employees and customers, of 25 or less.*

TABLE 403.1—continued
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES
(See Sections 403.2 and 403.3)

NO.	CLASSIFICATION	USE GROUP	DESCRIPTION	WATER CLOSETS (URINALS SEE SECTION 419.2)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAIN (SEE SECTION 410.1)	OTHER
				MALE	FEMALE	MALE	FEMALE			
6	Mercantile (see Sections 403.2, 403.5 and 403.6)	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500		1 per 750		—	1 per 1,000	1 service sink
7	Residential	R-1	Hotels, motels, boarding houses (transient)	1 per guestroom		1 per guestroom		1 per guestroom	—	1 service sink
		R-2	Dormitories, fraternities, sororities and boarding houses (not transient)	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
		R-2	Apartment house	1 per dwelling unit		1 per dwelling unit		1 per dwelling unit	—	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 20 dwelling units ^a
		R-3	One- and two-family dwellings	1 per dwelling unit		1 per dwelling unit		1 per dwelling unit	—	1 kitchen sink per dwelling unit; 1 automatic clothes washer connector per dwelling unit ^a
		R-4	Residential care/assisted living facilities	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
8	Storage (see Sections 403.2 and 403.4)	S-1 S-2	Structures for the storage of goods, warehouses, storehouse and freight depots. Low and Moderate Hazard.	1 per 100		1 per 100		1 per 1,000	See Section 411	1 service sink

- The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by the *International Building Code*.
- Toilet facilities for employees shall be separate from facilities for inmates or patients.
- A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient rooms shall be permitted where such room is provided with direct access from each patient room and with provisions for privacy.
- For day nurseries, a maximum of one bathtub shall be required.
- For attached one- and two-family dwellings, one automatic clothes washer connection shall be required per 20 dwelling units.

[B]403.1.1 Unisex toilet and bath fixtures. Fixtures located within unisex toilet and bathing rooms complying with Section 404 are permitted to be included in determining the minimum required number of fixtures for assembly and mercantile occupancies.

403.2 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

- Separate facilities shall not be required for private facilities.
- Separate employee facilities shall not be required in occupancies in which 15 or less people are employed.
- Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or less.

4. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 50 or less.

403.3 Number of occupants of each sex. The required water closets, lavatories, and showers or bathtubs shall be distributed equally between the sexes based on the percentage of each sex anticipated in the occupant load. The occupant load shall be composed of 50 percent of each sex, unless statistical data approved by the code official indicate a different distribution of the sexes.

403.4 Location of employee toilet facilities in occupancies other than assembly or mercantile. Access to toilet facilities in occupancies other than mercantile and assembly occupancies shall be from within the employees' working area. Employee facilities shall be either separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, and are located in adjacent structures under the same ownership, lease or control, shall be a maximum travel distance of 500 feet (152 m) from the employees' working area.

403.4.1 Travel distance. The required toilet facilities in occupancies other than assembly or mercantile shall be located not more than one story above or below the employee's working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

Exception: The location and maximum travel distances to required employee toilet facilities in factory and industrial occupancies are permitted to exceed that required in Section 403.4.1, provided the location and maximum travel distance are approved by the code official.

403.5 Location of employee toilet facilities in mercantile and assembly occupancies. Employees shall be provided with toilet facilities in building and tenant spaces utilized as restaurants, nightclubs, places of public assembly and mercantile occupancies. The employee facilities shall be either separate facilities or combined employee and public facilities. The required toilet facilities shall be located not more than one story above or below the employees' work area and the path of travel to such facilities, in other than covered malls, shall not exceed a distance of 500 feet (152 m). The path of travel to required facilities in covered malls shall not exceed a distance of 300 feet (91 440 mm).

Exception: Employee toilet facilities shall not be required in tenant spaces where the travel distance from the main entrance of the tenant space to a central toilet area does not exceed 300 feet (91 440 mm) and such central toilet facilities are located not more than one story above or below the tenant space.

403.6 Public facilities. Customers, patrons and visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization. Public toilet facilities shall be located not more than one story above or below the space required to be provided with public toilet facilities and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

403.6.1 Covered malls. In covered mall buildings, the path of travel to required toilet facilities shall not exceed a distance of 300 feet (91 440 mm). Facilities shall be installed in each individual store or in a central toilet area located in accordance with this section. The maximum travel distance to the central toilet facilities in covered mall buildings shall be measured from the main entrance of any store or tenant space.

403.6.2 Pay facilities. Where pay facilities are installed, such facilities shall be in excess of the required minimum facilities. Required facilities shall be free of charge.

403.7 Signage. Required public facilities shall be designated by a legible sign for each sex. Signs shall be readily visible and located near the entrance to each toilet facility.

SECTION 404 ACCESSIBLE PLUMBING FACILITIES

404.1 Where required. Accessible plumbing facilities and fixtures shall be provided in accordance with the *International Building Code*.

SECTION 405 INSTALLATION OF FIXTURES

405.1 Water supply protection. The supply lines and fittings for every plumbing fixture shall be installed so as to prevent backflow.

405.2 Access for cleaning. Plumbing fixtures shall be installed so as to afford easy access for cleaning both the fixture and the area around the fixture.

405.3 Setting. Fixtures shall be set level and in proper alignment with reference to adjacent walls.

405.3.1 Water closets, urinals, lavatories and bidets. A water closet, urinal, lavatory or bidet shall not be set closer than 15 inches (381 mm) from its center to any side wall, partition, vanity or other obstruction, or closer than 30 inches (762 mm) center-to-center between water closets, urinals or adjacent fixtures. There shall be at least a 21-inch (533 mm) clearance in front of the water closet, urinal or bidet to any wall, fixture or door. Water closet compartments shall not be less than 30 inches (762 mm) wide or 60 inches (1524 mm) deep. There shall be at least a 21-inch (533 mm) clearance in front of a lavatory to any wall, fixture or door (see Figure 405.3.1).

405.3.2 Public lavatories. In employee and public toilet rooms, the required lavatory shall be located in the same room as the required water closet.

405.4 Floor and wall drainage connections. Connections between the drain and floor outlet plumbing fixtures shall be made with a floor flange. The flange shall be attached to the drain and anchored to the structure. Connections between the drain and wall-hung water closets shall be made with an approved extension nipple or horn adapter. The water closet shall be bolted to the hanger with corrosion-resistant bolts or screws. Joints shall be sealed with an approved elastomeric gasket,

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accessible, individual waste sink, floor drain or other fixture which is trapped and vented; and

- (e) Each waste pipe from the equipment listed in (c) above shall contain an air gap in the fixture waste line which is at least twice the effective diameter of the drain served.

He-P 2313.03 Use of Non-potable Water Nonpotable water shall be allowed for appropriate uses including but not limited to air conditioning and fire protection provided that:

- (a) The system is installed according to the provisions of Plu 1507, the state plumbing code;
- (b) Nonpotable water does not come into contact with food or utensils; and
- (c) The piping of the water system is durably identified so that it is readily distinguishable from piping that carries potable water.

PART He-P 2314 TOILET AND HANDWASHING FACILITIES

He-P 2314.01 Toilet Facilities, Design and Installation

- (a) Toilet facilities shall be:

- (1) Installed according to the provisions of Plu 1202, the state plumbing code;
- (2) Conveniently located and accessible to employees and patrons at all times;
- (3) Designed to be easily cleanable; and
- (4) Located so patrons do not have to pass through food preparation areas to gain access to them.

(b) At least one toilet room equipped with an inside lock shall be provided in any food service establishment or retail food store with a seating capacity between one and 24 patrons.

- (c) Any food service establishment or retail food store designed to seat 25 or more patrons at one time shall have at least two toilet rooms.

He-P 2314.02 Toilet Facilities, Cleaning and Waste Receptacles

- (a) Toilet facilities shall be:

- (1) Completely enclosed and provided with a tight fitting and self-closing door;
- (2) Kept clean and in good repair; and
- (3) Provided with a supply of toilet tissue at all times.